D.B. CIVIL WRIT PETITION NO.1571/2006

Kunal Ojha Vs. The Indian Air Force Educational & Cultural Society & Ors.

Date of judgment Vs. 27th April, 2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. P.S. Bhati for the petitioner.
Mr. Rajesh Joshi for the respondents.

The additional affidavit in terms of directions issued on 2nd January, 2007 has been submitted on behalf of respondents. It has been stated in the additional affidavit that at present in the Air Force School Bikaner 156 students are studying, out of them 19 are studying in 12th standard. It has been further averred that in Bikaner, apart from Air Force School, three other schools are run by the Government of India including Kendriya Vidhyalaya Sangthan, who is running two schools in Bikaner namely Kendriya Vidhyalaya No.1 and Kendriya Vidhyalaya No.2 and one Army school is also

running at Bikaner. All these three schools are admitting Defence wards on priority.

There are other private schools also, who are running CBSC courses in Bikaner. In response to request made by answering respondent, Kendriya Vidhyalaya No.2 and Dayanand Public School, Bikaner (Private School), Rastriya Sahayak Vidhyalaya Sr. Sec. School have agreed to give admission to the students from the Air Force School including the wards of Defence Personnel. Army School and Kendriya Vidhyalaya No.1 have also given verbal assurance to accommodate the students of the answering respondents. The documents to that effect have also been placed on record.

About the staff, it has been stated that Air Force Station, Bikaner is not running any other school. It is not possible to adjust the working staff, but they will be paid all their legitimate dues if their services are brought to an end. In addition to this answering respondents have further assured that they are trying to run the present school though they are in habit to

continue the school if their resources permit.

In that view of the matter, this petition which was filed in 2006 in the wake of abrupt closure of the Air Force School at Bikaner just before the closure of session ending in 2006 does not call for further direction except in the matter of existing staff of the school. So for working staff of the school is concerned, it may be given option to be absorbed at any other school under the aegis of Air Force and those who opt for such absorption be absorbed in accordance with rules of absorption relating to protection of pay and status. Those who opt against absorption may be paid their terminal dues to which they may be entitled.

Accordingly, subject to aforesaid, the writ petition is disposed of. The ad interim order passed by this Court is vacated.

[BHANWAROO KHAN], J. [RAJESH BALIA], J.

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